IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

-.-

1. CWP No. 673 of 2007.
Date of decision: 20.3.2007

-.-

Raghbir Singh .... Petitioner(s)

Versus

Punjab Technical University & others.

.... Respondents

-.-

(2) CWP No. 2687 of 2007

Sukhvir Singh. .... Petitioner

Versus

Punjab Technical University and others.

.... Respondents.

-.-

CORAM: HON'BLE MR.JUSTICE JASBIR SINGH
HON'BLE MRS.JUSTICE NIRMAL YADAV

-.-

Present:- Mr.G.S.Sandhawalia, Advocate, for the petitioners.

Mr.Anupam Gupta, Advocate, for the respondents.

Jasbir Singh, J. (Oral)

Vide this judgment, the above mentioned two petitions are being disposed of together, as the facts and questions of law involved, in these cases, are the same. However, the facts are being taken from CWP No. 673 of 2007, to dictate this order.

This writ petition has been filed for issuance of a writ in the nature of certiorari with a prayer to quash the order dated 8/17.8.2006 (Annexure P/7), passed by respondent No.2, vide which petitioner has been disqualified from appearing in any examination of the University for a

period of two semesters. Further prayer is for quashing of the order vide which the petitioner's examination has been cancelled qua other papers, than the one in which he was found using unfair means at the time of conduct of examination.

It is apparent from the records that on 22.6.2006 the petitioner was appearing in the examination for the subject of Mathematics (First Semester-Supplementary) for the course of Bachelor of Technology (Mechanical Engineering). He was found in possession of Mobile Phone along with head phone, which he had concealed in his turban. In view of that unfair means case was reported against him. He was issued a show cause notice and was asked to appear before Unfair Means Committee, constituted by the University. Vide order under challenge the petitioner was debarred from appearing in any examination for two semesters and also his result was cancelled for all those papers in which he had appeared at the time of examination in question.

Counsel for the petitioner states that possession of the mobile phone without any further proof that the same was used, at the time of examination, will not incur any disqualification and as such the order passed is liable to be set aside.

We feel that the argument raised is liable to be rejected in view of the ratio of law laid down by this Court in the case of Harsimrat Singh and others Versus The State of Punjab and others, CWP No. 18388 of 2006, decided on 8.12.2006, where, under similar circumstances, the students from whose possession mobile phones, concealed in their turbans were detected, the punishment inflicted upon them, was up-held.

Consequently, in view of the above mentioned facts, the writ petition is dismissed.

(Jasbir Singh)
JUDGE

(Nirmal Yadav)
JUDGE

March 20, 2007
Saini